

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2663

Tyrone A. Davis,	*	
	*	
Plaintiff - Appellant,	*	
	*	Appeal from the United
v.	*	States District Court for
	*	the District of Nebraska.
	*	
Dr. Stephen G. Lemar, Tracey M.	*	(UNPUBLISHED)
Curry, and Otha Serrell,	*	
	*	
Defendants - Appellees.	*	

Submitted: January 14, 2003
Filed: January 27, 2003

Before WOLLMAN and MURPHY, Circuit Judges, and GRITZNER,¹ District Judge.

PER CURIAM.

Tyrone A. Davis suffered an injury to his knee when another inmate accidentally fell onto him in the exercise yard of the Nebraska State Penitentiary, and he underwent knee surgery some four months later. Davis brought a civil rights action under 42 U.S.C. § 1983 against appellees, Stephen G. Lemar, Tracey Curry,

¹ The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa, sitting by designation.

and Otha Serrell, for violating his Eighth Amendment right to be free from cruel and unusual punishment. Davis alleged appellees were deliberately indifferent to his medical needs by failing to diagnose his injury earlier and by delaying treatment of it. The district court² granted summary judgment to appellees after thoroughly discussing the record and concluding that Davis had not made a showing of deliberate indifference or that his Eighth Amendment rights had been violated. After hearing oral argument and reviewing the record, we affirm on the basis of the district court's opinion. 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

² The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.